AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently amended) A resin composition comprising a polyphenylene ether and a flame retardant, wherein said polyphenylene ether is obtained by polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and ~~0.5-7.5~~ from 1.0-7.5 parts by weight of ortho cresol in the presence of a catalyst and an oxygen-containing gas.

2. (Currently amended) The resin composition according to **[[item]]** claim 1 ~~above~~, wherein said polyphenylene ether has a molecular weight distribution of 2.8-8.0.

3. (Currently amended) The resin composition according to **[[item]]** claim 1 ~~above~~, wherein said resin composition further includes a styrene resin.

4. (Currently amended) The resin composition according to **[[item]]** claim 3 ~~above~~, which comprises from 5-95 parts by weight of the polyphenylene ether, from 95-5 parts by weight of the styrene resin and from 1-30 parts by weight, based on 100 parts by weight of the polyphenylene ether and the styrene resin, of the flame retardant.

5. (Currently amended) The resin composition according to **[[item]]** claim 1 ~~above~~, wherein said flame retardant is at least one compound selected from the group consisting of a halogen compound, a silicone compound and a phosphorous compound.

6. (Currently amended) A process for producing a resin composition comprising a polyphenylene ether and a flame retardant, which comprises:

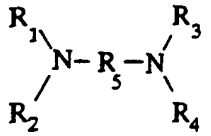
polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and ~~0.5-7.5~~ from 1.0-7.5 parts by weight of ortho cresol in the presence of a catalyst and an oxygen-containing gas to obtain a polyphenylene ether, and

mixing said polyphenylene ether with a flame retardant.

7. (Currently amended) The process according to [[item]] claim 6 ~~above~~, wherein said monomer is 2,6-dimethylphenol containing ortho cresol.

8. (Currently amended) The process according to [[item]] claim 6 ~~above~~, wherein said 2,6-dimethylphenol and said ortho cresol are separately fed.

9. (Currently amended) The process according to [[item]] claim 6 ~~above~~, wherein said catalyst comprises a copper compound, a halogen compound and a diamine compound represented by the following formula (1):

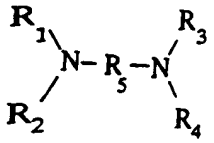


(1)

wherein R_1, R_2, R_3 and R_4 each independently represents a hydrogen or a linear or branched C_{1-6} alkyl group, with the proviso that they do not represent hydrogen at the same time; and R_5 represents a linear or methyl-branched C_{2-5} alkylene group.

10. (Currently amended) The process according to [[item]] claim 9 ~~above~~, wherein said catalyst further comprises at least one of a tertiary monoamine compound [[and]] or a secondary monoamine compound.

11. (Currently amended) A polyphenylene ether having a molecular weight distribution of from 2.8-8.0, which is obtained by polymerizing a monomer comprising 100 parts by weight of 2,6-dimethylphenol and ~~0.5-7.5~~ from 1.0-7.5 parts by weight of ortho cresol in the presence of an oxygen-containing gas and a catalyst comprising a copper compound, a halogen compound and a diamine compound represented by the following formula (1):



(1)

wherein R_1, R_2, R_3 and R_4 each independently represents a hydrogen or a linear or branched C_{1-6} alkyl group, with the proviso that they do not represent hydrogen at the same time; and R_5 represents a linear or methyl-branched C_{2-5} alkylene group.